

# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** December 13, 2006  
**AGENDA DATE:** December 21, 2006  
**PROJECT ADDRESS:** 1443 San Miguel Avenue (MST2005-00498; CDP2006-00022)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Susan Gantz, Planning Technician I

### I. PROJECT DESCRIPTION

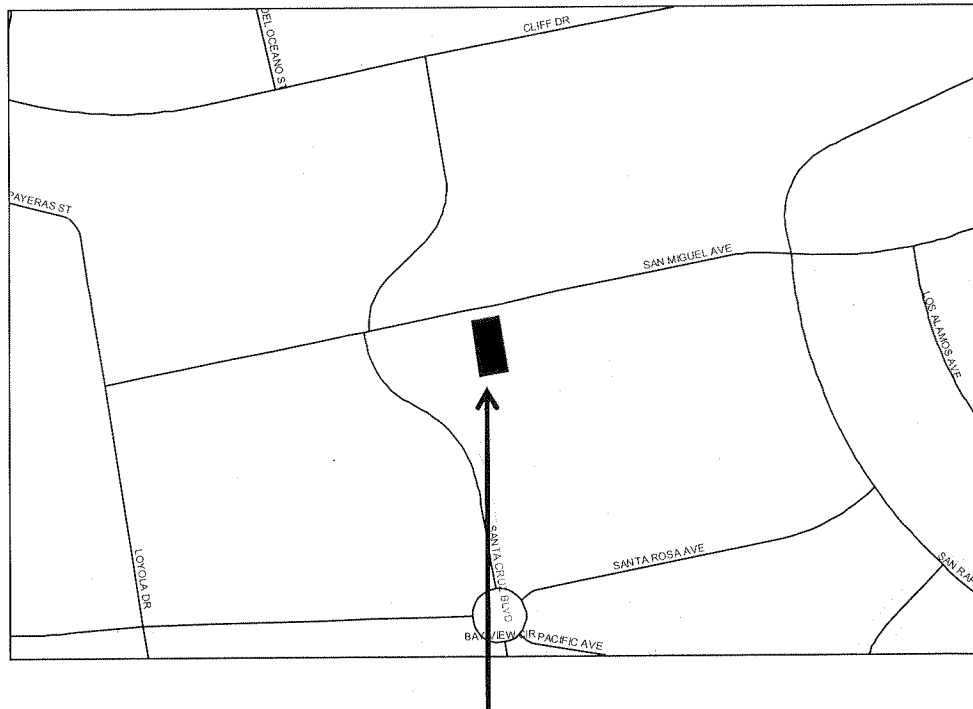
The proposed project involves the demolition of an existing 413 square foot, one-story, single-family residence (without a garage) with an 85 square foot detached storage shed and the construction of a three-story, 2,356 square foot single-family residence with an attached 461 square foot two-car garage on a 6,767 square foot lot located in the Non-Appealable jurisdiction of the Coastal Zone.

### II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**Vicinity Map for 1443 San Miguel Avenue**

**APPLICATION DEEMED COMPLETE:** November 21, 2006

#### **IV. SITE INFORMATION AND PROJECT STATISTICS**

##### **SITE INFORMATION**

Applicant: Kevin Dumain	Property Owner: Kevin and Jill Dumain
Parcel Number: 045-132-003	Lot Area: 6,767 square feet
General Plan: Residential	Zoning: E-3/SD-3
Existing Use: Residential	Topography: 11% slope
Adjacent Land Uses:	
North - Residential	East - Residential
South - Residential	West - Residential

##### **PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	400 square feet	2,356 square feet
Garage	n/a	461 square feet
Accessory Space	84 square feet	n/a

## V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	20 feet	42 feet	22 feet
-Interior	6 feet	9 feet	6 feet
-Rear	6 feet	10 feet	48 feet
Building Height	30 feet	13 feet	29 feet
Parking	2 covered	0 covered	2 covered
Open Yard	1,250 square feet	1,665 square feet	1,611 square feet
Lot Coverage			
-Building	N/A	Building 11%	Building 19%
-Paving/Driveway	N/A	Hardscape 8%	Hardscape 16%
-Landscaping	N/A	Landscaping 80%	Landscape 65%

The proposed project would meet the requirements of the E-3 Zone.

## VI. ISSUES

### A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) twice (meeting minutes are attached as Exhibit D) and received the following comments:

August 15, 2005: Forwarded to the Planning Commission with the following comments: The Board appreciates the design and the project would be an enhancement to the neighborhood; the floor-to-lot-area ratio of .42 is high due to the small lot but the square footage is appropriate; there could be some degree of reduction in the overall height of the building, with approximately 6-12" of grading to lower the finish floor height; story poles may be required for Planning Commission review and the Board suggested coordinating a site visit with the Planning Commission; and, the applicant has explored and protected view corridors of adjacent neighbors.

July 31, 2006: Continued indefinitely to the Planning Commission with the following comments: The Board is supportive of the project and appreciates the small footprint and added open space; the majority of the Board feels that the house works nicely with the topography; the three-story portion is mitigated by the topography and by the fact that it is significantly lower than the street and will appear as a two-story structure which is well set back; a majority of the Board feels the house could be lowered further into the topography and suggested studying the interstitial space between floor and ceiling; the majority of the Board appreciates the materials and architecture; enhance landscaping at the street to further block views into the entry court from the public, thereby mitigating the three-story elevation; and, the applicant is to provide story poles prior to the Planning Commission hearing.

**B. COMPLIANCE WITH THE LOCAL COASTAL PLAN**

The project is in Component Two of the Local Coastal Plan (LCP) which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area, referred to as the Mesa, is single-family residential, and has very limited development potential. The major coastal issues identified for Component Two include protection of the riparian habitat of Arroyo Burro Creek; hazards of sea cliff retreat and flooding; maintaining and providing access, both vertically and laterally, along the bluffs; protection of recreational access to Arroyo Burro County Beach Park; protection of archaeological resources; maintenance of existing coastal views and open space; and provision of adequate circulation on Las Positas Road.

The project site is not located adjacent to Arroyo Burro Creek, Arroyo Burro County Beach Park or Las Positas Road, nor is it on a coastal bluff or in an archaeologically sensitivity zone. The project would not block coastal views or have an impact on open space areas. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

**C. COMPLIANCE WITH THE GENERAL PLAN AND ZONING ORDINANCE**

The proposed project is consistent with the regulations of the E-3, single-family residence zone, relating to setbacks, building height, and open yard requirements and is consistent with the General Plan density classification of five dwelling units per acre.

**D. ENVIRONMENTAL REVIEW**

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (demolition of single-family residence) and Section 15303 (new construction of small structures) of the California Environmental Quality Act (CEQA) Guidelines.

**E. NEIGHBORHOOD COMPATIBILITY**

The project consists of a proposal to replace the existing one-story residence with a three-story residence. Due to the topography of the parcel, the first floor of the proposed structure will not be visible from the street. Because only the second and third floors would be visible at street level, the new residence would remain consistent with the pattern of single-family residential development in the area, which is a mixture of one- and two-story residences. The applicant has made some minor changes to address concerns raised by the ABR regarding building height and, heeding the recommendation of the ABR to lower the structure six to 12 inches, lowered the structure 24 inches. With this refinement, the proposed project is compatible with respect to the scale, size, and design of the existing development in the surrounding neighborhood. No modifications are requested.

## **VII. FINDINGS**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined below, and subject to the conditions of approval in Exhibit A.

### **COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Municipal Code. The proposed project would be compatible with the existing residential neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access and would not contribute to safety or drainage hazards on the site.

#### Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter dated November 29, 2006
- D. Letter from DOGGR dated April 3, 2006.
- E. Architectural Board of Review Minutes dated August 15, 2005 and July 31, 2006.



PLANNING COMMISSION CONDITIONS OF APPROVAL

1443 SAN MIGUEL AVENUE  
COASTAL DEVELOPMENT PERMIT  
DECEMBER 21, 2006

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
  2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on \_\_\_\_\_, 2006 is limited to one residential unit of no more than 2,356 net square feet of interior floor area including the garage and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  3. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
  4. **Drainage System Maintenance.** The Owner(s) shall maintain the on-site drainage system, storm drain water interceptor and other on-site storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Engineer.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
  2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street.
- C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:
1. **Water Rights Assignment.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review

and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.

2. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on San Miguel Avenue. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards any sidewalk, curb and/or gutter that is uplifted/cracked, new driveway apron, any overhead service utilities that provide exclusive service shall be placed underground, any existing survey monument or contractor stamp shall be preserved and/or reset under the direction of the Public Works Inspector, drought-tolerant parkway landscaping, and provide adequate positive drainage from the site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
  3. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall submit a Storm Water Operations and Maintenance Procedure Plan for approval by the City Engineer.
  4. **Storm Water Quality.** New residential development projects, shall address water quality through the use of best management practices (BMPs) as determined by the City. Projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
  5. **Construction Best Management Practices.** Construction Best Management Practices Required. Construction activities shall address water quality through the use of best management practices (BMP's) as approved by the City Building Official.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. Written evidence shall be provided by the Applicant from the State of California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) that the oil well located on the proposed project site has been adequately capped per general capping requirements as described in letter to Applicant from Jim Carnahan of DOGGR dated April 3, 2006.
  2. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not



limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

3. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
4. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
5. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
6. **Construction Hours.** Construction (including preparation for construction work) is prohibited before 8:00 a.m. and after 5:00 p.m., Monday through Friday, and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 <sup>st</sup> *
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
Presidents' Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup> *
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 <sup>th</sup> *

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

7. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
  - b. On-site or off-site storage shall be provided for construction materials and equipment. Any off-site storage location for equipment or materials shall be approved by the Community Development Director.
  - c. Storage of construction materials within the public right-of-way is prohibited without an encroachment permit issued by the City.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
10. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements along subject property frontage (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
  2. **Complete Public Improvements.** Install public improvements as shown on the building plans.
  3. **Check Valve / Anti-Backflow Device.** Provide an approved check valve or anti-backflow device placed on the private property side of consumer's service pursuant to Municipal Code Section 14.20.120 and Public Works Construction Standard Detail 5-009.0.
  4. **Cross Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

#### **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. An extension has been granted by the Planning Commission. The Planning Commission may grant an extension of up to one (1) year as long as the extension is requested before the expiration date. Not more than three (3) extensions may be granted.



[illegible]

Leafy water immersion tanks	A-1
Vegetative garden	A-2
(A) Jaded china bowl in raised wood platform	A-3
Other tree	A-4
Arched log	A-5
Plaid Vase tree	A-6
Plaid Vase tree	A-7
(C) Plasterwork hedge on sculpture property	A-8
(D) Plasterwork hedge, tree to 8' high, not in arched 42" high with 20' of tree properly	A-9
Star Japanese view of (E) wood fence, tree to 8' high near	A-10

1-1	(N) 200 amp electrical service
1-2	(N) cable TV leased point of service
1-3	(N) telephone bank, point of service
1-4	(N) telephone bank, point of service
1-5	(N) water meter, tap into (F) line
1-6	(N) gas meter, tap into (F) line
1-7	(F) safety pool or fountain
1-8	(F) street lighting
1-9	(F) water main from water delivery of adjacent lot easement required
1-10	(N) water services fee

(N) Underdrain irrigation points or connections in landscape (overhead)  
 J-1.4  
 J-1.4  
 (N) Landscape irrigation controllers  
 J-1.5  
 (N) Instantaneous tankless gas water heater  
 J-1.6  
 Connected (N) sewer line to (E) sewer lateral  
 J-1.6  
 A. Existing portion of sewer lateral to remain shall be inspected by closed circuit inspection camera. Any defects identified shall be repaired before new overlying is occupied. Any sewer lateral identified to be abandoned shall be disconnected at the sewer mainline connection. Protect existing sewer utilities in place.

(C) overhead telephone service line to be removed  
(D) overhead telephone service line to be removed  
(E) overhead cable tv service line to be removed

As a result, the use of the term "depression" is not only misleading but also potentially harmful. The term "depression" is a clinical term that is used to describe a specific mental health condition. It is not a general term that can be used to describe any and all feelings of sadness or hopelessness. The use of the term "depression" in the title of the book is a clear indication that the book is intended to be a clinical text, rather than a general text for the layperson. This is a significant departure from the tradition of the *Journal of the American Academy of Child and Adolescent Psychiatry*, which has always been a journal for the layperson. The use of the term "depression" in the title of the book is a clear indication that the book is intended to be a clinical text, rather than a general text for the layperson. This is a significant departure from the tradition of the *Journal of the American Academy of Child and Adolescent Psychiatry*, which has always been a journal for the layperson.

**Notes from Survey**

1. (R) = RDS Book # / Page #  
(R1) = Firm Book # / Page #  
(R2) = Instrument No. / 373677 D #
2. Boundary Shows For Informational Purposes Only.  
Calculated From Record Above.
3. Sec. 20B, 1604 Par. City Land Grant  
Bldg. 200, 1511  
Estimate No. 1922 Add. 1800

The proposed project includes the demolition of an existing 100 sq. ft. residence and a 34 sq. ft. storage shed; site grading of approximately 50 cubic yards of soil; removal and the construction of a new 3-story residence approximately 2,300 sq. ft. (net); with 3 bedrooms. The proposed scheme will also include a 2 car garage on the 2nd level plus a garden storage room on the 1st level for an additional 467 sq. ft. (net).

<b>Project Address:</b>	1400 Pine Mountain Avenue Santa Barbara, CA 93109
<b>Phone:</b>	(805) 335-0000
<b>Project Area:</b>	14.5 +/- acres
<b>Lot Size:</b>	11 +/- sq. ft. (0.26 acre)
<b>Project Description:</b>	E-2010-03 (nonparticipative solicitation of the E-2010-03 nonparticipative solicitation of the Nonparticipative Solicitation)
<b>Project Phase:</b>	100% of Work Done
<b>Property Owner:</b>	100% of Work Done
<b>Architect:</b>	Kevin Durkin California License # 24086
<b>Responsible User:</b>	Simple Project, President
<b>Required Applications:</b>	Consent Development Permit to Allow the

[illegible]

Three rectangles are shown, each with a dimension label to its left. The top rectangle is labeled 24, the middle rectangle is labeled 12, and the bottom rectangle is labeled 6.

Existing 2-Story  
Residence w/ attached  
2 Car Garage  
PN: DMS-132-002



November 29, 2006

Planning Department  
Community Development Department  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

**RECEIVED**

**NOV 30 2006**

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

**RE: CDP for 1443 San Miguel Avenue**

Members of the Planning Commission,

We are requesting a Coastal Development Permit (CDP) in order to demolish an existing residence and construct a new house. This project has previously been reviewed by the Architectural Board of Review (ABR) on August 29, 2005 where it received favorable (4-1) comments for a Conceptual Review, and on July 31st, 2006 where it received additional favorable (6-0) comments. In addition, we have been through the DART process, and have addressed the requirements set forth by city staff.

Our existing house is only 400 square feet and is believed to have been a former tractor shed. In addition, there is an 86 sq. ft. storage shed on the property. Neither structure is worth maintaining, and it is our intention to demolish both structures in the construction process. Demolishing the existing house will enable us to build a proper foundation and lower the finish floor about a foot and a half below the current house.

**Project Summary**

The new house as proposed will be 2,356 sq. ft plus an additional 461 sq. ft. of garage and storage. It will be three stories, with the lower level approximately 12 feet below the level of the sidewalk. At this time, no modifications are anticipated. The parcel is zoned E-3/SD-3, and all the neighboring homes are also E-3/SD-3.

Planning Staff members have indicated that demolishing the existing house within the Coastal Zone will trigger a CDP. They have also indicated that an addition of this size relative to the existing house would most likely also trigger a CDP. To avoid the CDP process we would have to either add on incrementally, or tear the house down and live somewhere else for a year in order to categorize the house as a vacant piece of land. Under the last scenario, we could have proceeded directly to the Building Department following ABR approval.

**Project Statistics**

Project Address:	1443 San Miguel Avenue Santa Barbara, CA 93109
APN:	045-132-003
Property Area:	6,767 sq. ft. (0.16 acres)
Avg. Slope:	11%
Zone / Use:	E-3/SD-3 (nonappealable jurisdiction of the Coastal Zone)
General Plan:	Residential-5-units/acre
Property Owner:	Jill & Kevin Dumain 805.570.8409

Architect: Kevin Dumain  
California License # 24086

Proposed Use: Single Family Residence

Required Applications: Coastal Development Permit to allow the proposed development in the Non-Appealable jurisdiction of the City's Coastal Zone (SBMC 28.45.009)

Allowable Bldg Height: 30 ft  
Proposed Bldg Height: 28 ft. (measured from roof peak to (e) grade)

Required Setbacks: 20 ft. front, 6 ft. interior

Building Area:	
Residence	2,356 sq. ft. Net, 2,542 sq. ft. Gross
Garage/Storage	461 sq. ft. Net, 503 sq. ft. Gross
Total	2,817 sq. ft. Net, 3,045 sq. ft. Gross

Site Areas:

Building Footprint:	1,284 sq. ft., 19%
Paved (impervious):	1,087 sq. ft., 16%
Landscape:	4,396 sq. ft., 65%

Proposed FAR: 42 % (gross area including garage)

Occupancy Group: R-3 (dwelling)  
Construction Type: V-N

Grading:

fill:	120 cu. yd.
cut:	174 cu. yd.
net:	54 cu. yd. export

All project statistics are approximate preliminary figures, and are subject to minor revisions as the design is further developed. See sheet A3 for City of Santa Barbara Statistics Forms.

## Significant Issues

The issue that attracts the most attention to our project is the proposed building height, or more specifically that we are proposing to build a 3 story house. The site has some inherent characteristics that we have been able to manipulate in order to shape the house in a manner that is sympathetic to the neighbors.

Point number one: the property falls off quickly below the street. When looking at our neighbor's house to the East from the sidewalk, a person of average height is nearly at eyeball level to the top of their flat roof. This condition gave us the confidence that creating a 3 story house would be possible without a significant impact relative to the street. In fact the profile of our proposed house as measured from the sidewalk is lower and narrower than that of our neighbor's house across the street.

Point number two: the property is bordered by some large established trees, particularly along the Western property line. These trees establish a visual mass that currently obstructs the views of several



of the neighbors across the street, particularly as they look towards the Southwest. We have placed the taller elements of our house along the Western property line, where it will blend in with the existing mass of trees. The primary views of our neighbors are towards the Southeast, and our proposed house will have significantly less impact on our neighbors views in that direction.

Point number three: the setbacks and the overall placement of the house have been carefully considered to accommodate our neighbors concerns as well as our own. The adjacent house to the West is potentially the most impacted by our proposed design, particularly the views towards the Southeast from the living spaces at the south end of the house. By minimizing the footprint of our house and placing it where we have, has allowed us to preserve their primary view across our backyard. The compact footprint has also allowed us to maintain a generous front yard setback of about 42 feet to the primary mass of the house, which further reduces the visual impact of the house at the street.

Point Number Four: the stepped massing of the house reduces the visual impact and imparts a modest residential scale. The footprint of the house is not very big to begin with. The mass closest to the street is just a simple 2 car garage, and the space under the garage is another 450 sq feet, but it is completely hidden from the street. The remainder of the house is mostly contained in a 19 foot by 34 foot box. The 3<sup>rd</sup> level of this box is stepped back on all sides to further break down the sense of scale.

## **ABR**

The ABR has conceptually reviewed our project on two occasions and they have reached the conclusion that this design has been conceived and articulated in a manner appropriate to the neighborhood. At the first meeting, the board supported the overall design 4-1. The board supported the massing in regards to how the house was sited to balance the view concerns of our neighbors along with our own design goals. The board also requested that we reduce the building height by 6 to 12 inches.

At the second meeting we presented the current scheme. In the original design the ridge of the 3<sup>rd</sup> story roof was 30 feet above the current grade. In the revised design, the ridge had been lowered 24 inches to a height of 28 feet above the current grade. The ridge of the roof would be approximately 18 feet above the sidewalk. The project was supported 6-0.

## **Additional City Questions**

Exterior Lighting: there will be exterior lighting associated with this project, but none beyond the ordinary. It is a bit premature in the process for us to provide a detailed lighting plan, but I would anticipate having code required lighting at the exterior doors, low voltage pathway lighting leading to the entry; and some motioned controlled fixtures at the garage and trash areas. Our neighbors have requested that we not install any street lights.

Smoke and Odors: we do not anticipate our proposed residence generating any unusual smoke or odors.

Noise Sources: we do not anticipate our proposed residence generating any unusual noise sources.

Geotechnical Studies: we have commissioned a Soils Report, and a Engineering Report that addresses the former oil well on the property. The Soils Report has recommended standard footings. The Engineering report analyzed soils from the test borings, and found no evidence of oil.

Resource or Constraint Studies: no studies of this nature have been prepared for the property to our knowledge.

Trails or Easements: there are no current or proposed trails traversing the property.

Creeks or Water Course: there are no creeks or water courses in the proximity of the property.

## **Construction Issues**

Demolition: the house is only 400 square feet. We hope to knock it down over a weekend. It could make for a good party. Factoring in site clearance and removal, demolition should take about a week.

Oil Well: recapping the abandoned oil well will take about a month to drill out the well and recap.

Grading: we're anticipating another week for the overexcavation and recompaction of the building site.

Construction: we're anticipating 8-10 months for construction.

Workers and Equipment: we would anticipate between 2 to 12 workers on site any given day. Less if the surf is good.

Staging Area: materials will be delivered and stage primarily from the future front courtyard area. After the foundations and concrete block walls are in place, the future driveway will be available for parking and additional staging.

## **Hazardous Materials**

Hazardous Materials: the proposed project does not use or dispose of hazardous materials. There was an oil well on the property during the 1930's, but there is no evidence of waste materials on site.

Permit Streamlining Act: to the best of our knowledge, the property does not appear on the EPA list for hazardous waste sites.

## **Oil Well**

The "Morrison #1" oil well was drilled and operated on our property by the "Trans-Oceanic Oil Corp" in the mid to late 1930's. This well was drilled to a depth of 2048 feet and produced 750 barrels a day 30 days after production started. The well was abandoned after production stopped in the thirties, but not to current standards.

The well is located approximately in the middle of the property, therefore we have concluded that it does not make sense to build around it. We initially intended to install a vent system over the well, but the officials at the State Division of Oil, Gas and Geothermal Resources (DOGGR) believe that the depth of our well warrants the need for upgrading the well plug.

We reviewed our case with DOGGR recently, and they have decided that our well will require drilling out to a depth of about 1700 feet, with a prescribed layering of drilling mud and concrete to properly fill the well.

In summary, the process will be as follows:

- Prior to the Building Permit, confirm the location, uncover the well head, and have it inspected by DOGGR.
- Submit a supplementary notice to DOGGR.
- Obtain Building Permit
- Demolish the existing house
- Re-Abandon the well per DOGGR recommendations
- Inspection and approval of work by DOGGR
- Construct the house

Sincerely,

A handwritten signature in black ink, reading "Jill & Kevin T. Duran". The signature is written in a cursive, flowing style. "Jill" is on the left, followed by "&" and then "Kevin T. Duran". The "D" in "Duran" is particularly large and loops around the end of the signature.



April 3, 2006

Ms. Jill Dumain  
1443 San Miguel Ave.  
Santa Barbara, CA 93109

Re: Mesa Oil Field  
Trans-Oceanic Oil Corp.  
"Morrison" 1  
Section 28, T.4N R.27W SBB&M  
API # 083-03718

If well access is possible after construction, according to the "Proximity" requirements:

1. The well must be located and excavated. (a division inspector will inspect the well for leakage).
2. Submit a supplementary notice.
3. The surface plug must be upgraded so there is a minimum of 25' of cement plug at the surface, once the well has been cut off 5' below final grade.
4. Weld a steel plate on the casing. (Include well and operator name on the plate)

If no well access or limited well access is possible after construction, the following work must be done:

1. Submit a supplementary notice to enter the well and re-abandon or upgrade the abandonment.
2. Re-abandonment general requirements would be as follows:
  - a. Clean out the well to the top of the cement plug at 1774.
  - b. Cement from 1774' – 1709'.
  - c. Place 72#/cf, 25#/100 ft<sup>2</sup> gel shear strength mud from 1709' – 165'.
  - d. Cement from 165' – 65'.
  - e. Mud from 65' – 30'.
  - f. Cement from 30' – 5'.
  - g. Cut off casing 5' below final grade and weld a steel plate on the casing. (Include well and operator name on the plate)

Additional plugs may be required after a more detailed review of the well records.

Jim Carnahan  
EMRE, District 3  
DOGGR  
Santa Maria

**RECEIVED**

NOV 28 2006

CITY OF SANTA BARBARA  
PLANNING DIVISION

EXHIBIT D



**ARCHITECTURAL BOARD OF REVIEW**  
**MINUTES**

August 15, 2005

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

7. **1443 SAN MIGUEL AVE**

E-3/SD-3 Zone

Assessor's Parcel Number: 045-132-003  
Application Number: MST2005-00498  
Owner: Jill Maureen Vlahos  
Architect: Kevin Dumain

(Proposal to demolish an existing 400 square foot residence and construct a new 2,363 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot. The project will require a Coastal Development Permit.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT.)**

6:02

Kevin Dumain, Applicant; and Jill Vlahos, Owner; present.

Public comment opened at 6:19p.m.

Scott Blair, neighbor, stated that they have lived in their home for over 45 years and the main concern is with the size, bulk and scale of the project, as most of the houses in the neighborhood are single story in size. Mr. Blair would like confirmation that the house is within the FAR's of the neighborhood. In addition, Mr. Blair has requested story poles

Ivana Gjurasic, on behalf of her parents, (neighbors of the applicant) stated that they are concerned with the size of the project, as most homes in the neighborhood are one-story homes. They have also requested story poles be placed. Ms. Gjurasic had also submitted a letter prior to the meeting date, which requested a continuation of the item so her parents could attend the meeting.

Michael Clevenger, neighbor, neighbor, stated that the vegetation screens his property from view of the project. Mr. Clevenger reviewed the plans and does not have any objection to it.

Susan Trescher, behalf of La Mesa Neighborhood Association, stated that the association objects to the size, bulk and scale of the project.

A letter was read submitted from John Lawrence, neighbor, who stated that he, reviewed the plans and that the proposal is too high for the street. The second floor level should be lowered by approximately five-feet.

A letter was read submitted from Jeannette Webber, which stated she objects to the over scale size of the new structure and that it will affect her frontage view.

Jim LeCron read statements submitted from the following neighbors.

Susie and Kent Briggs, neighbors, stated that they reviewed the plans and the project is well laid out, with consideration for the neighbor's privacy appreciated. They find the project will be an enhancement to the neighborhood.

Michael Clevenger, neighbor, stated he supports the project.

Jason Vedder, neighbor, stated that he does not feel the plans demonstrate any impact on his home or views.

Mary Rem, neighbor, stated that she is in support of the project.

Christopher Browne, neighbor, stated that he has no problem with the size of the project and that it will be a great addition to the neighborhood.

John Lawrence, neighbor, stated that he has reviewed the plans

Public comment closed at 6:42p.m.

Motion: Continued indefinitely to the Planning Commission with the following comments:  
1) The Board appreciates the architectural design and finds it is an enhancement to the neighborhood. 2) The .42 FAR is high due to the small lot; however, the square footage is appropriate. 3) The Board feels there could be some reduction in the overall height, with approximately 6-12" of grading to lower the finished floor height. 4) The Board understands that story poles may be required for Planning Commission review, and would like to coordinate a site visit with the Planning Commission. 5) The applicant has explored and protected view corridors of adjacent neighbors.

Action: Wienke/Eichelberger, 4/1/0. Manson-Hing opposed. Bartlett stepped down.



**CONCEPT REVIEW - CONTINUED ITEM**

3. **1443 SAN MIGUEL AVE**

E-3/SD-3 Zone

Assessor's Parcel Number: 045-132-003  
Application Number: MST2005-00498  
Owner: Jill M. Vlahos  
Applicant: Kevin Dumain

(Proposal to demolish an existing 400 square foot residence and construct a new 2,363 square foot three-story residence with an attached 461 square foot two-car garage on a 6,767 square foot lot. The project will require a Coastal Development Permit.)

**(Second Concept Review.)**

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT.)**

(5:11 )

Present: Kevin and Jill Dumain, Applicants.

Public comment opened at 5:25 p.m.

Mr. Niksa Gjurasic, resident, expressed his concern about the project's noncompliance with Neighborhood Preservation Ordinance.

Mr. John Lawrence, resident, stated the project would be doable if lowered 4 to 5 feet.

Scott Blair, resident, voiced concern with the height of the project, and inadequate vehicular entry.

Public comment closed at 5:48

Motion: Continued indefinitely to the Planning Commission with the following comments 1) The Board is supportive of the project, the Board appreciates the small footprint and added open space. 2) The majority of Board feels that the house works nicely with the topography. The three story portion is mitigated by the topography and by the fact that it is significantly lower than the street, and will appear as a 2-story which is well set back. 3) A majority of Board feels the house could be lowered by further sinking the house into the topography, and by studying the interstitial space between ceiling and floor. 4) The majority of the Board appreciates the materials and architecture. 5) One Board member prefers a non-metal roof. 6) Enhance landscaping at the street to further block views into the entry court from public, thereby mitigating the 3-story elevation. 6) The Board looks forward to seeing story poles prior to Planning Commission hearing.

Action: Wienke/ Sherry, 6/0/0. Bartlett and Manson-Hing stepped down.

